

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WESS DEASE,

Plaintiff,

v.

MICHAEL KOEHN, et al.,

Defendants.

Case No. 3:13-cv-00424-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (dkt. no. 77) ("R&R") relating to Plaintiffs motion for summary judgment (dkt. no. 59) and Defendants' counter-motion for summary judgment (dkt. no. 61). The Magistrate Judge recommends denying Plaintiff's motion and granting Defendants' counter-motion. (Dkt. no. 77.) Plaintiff had until January 17, 2016, to object to the R&R. To date, no objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a


1 magistrate judge's report and recommendation where no objections have been filed. See
2 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
3 of review employed by the district court when reviewing a report and recommendation to
4 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
5 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
6 view that district courts are not required to review "any issue that is not the subject of an
7 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
8 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
9 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
10 which no objection was filed).

11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
12 determine whether to adopt Magistrate Judge Cobb's R&R. Upon reviewing the R&R
13 and underlying briefs, this Court finds good cause to adopt the Magistrate Judge's R&R
14 in full.

15 It is therefore ordered, adjudged and decreed that the Report and
16 Recommendation of Magistrate Judge Cobb (dkt. no. 75) is accepted and adopted in its
17 entirety. Plaintiff's motion for summary judgment (dkt. no. 59) is denied. Defendants'
18 counter-motion for summary judgment (dkt. no. 61) is granted.

19 The Clerk is directed to enter judgment in favor of Defendants in accordance with
20 this Order and close this case.

21 DATED THIS 26th day of February 2016.

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24 MIRANDA M. DU
25 UNITED STATES DISTRICT JUDGE
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